

## REMARKS

Claims 1-30 are pending in this application. In the Office Action, Claims 9, 22 and 25 were objected to for inclusion of the term “approximately”; Claims 1-4, 10-11 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,221,019 to Kantorovuch in view of U.S. Patent No. 6,875,176 to Mourad et al.; and Claims 5-9 and 12-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kantorovuch in view of Mourad et al. and further in view of U.S. Patent No. 5,840,029 to Mazess. The Office Action also objected to various drawings, as discussed in detail below.

Claims 1, 20, 29 and 30, which are the pending independent claims, were rejected in view of Mourad et al. combined with one or more other references. However, in view of the Rule 131 Declaration that is submitted herewith, Mourad et al. is not prior art to the invention of the pending application. Accordingly, the rejection of the independent claims, as well as all claims pending there from, must be withdrawn.

In regard to the objection to Claims 9, 22 and 25 for including the term “approximately”, to advance prosecution of this application, Claims 9, 22 and 25 have been amended to eliminate the word “approximately,” to overcome the rejection.

Finally, the Office Action also, at page 2 thereof, objected to the drawings for the following reasons:

- a) Figures 1a and 1b were objected to for the confocal point missing a reference symbol;
- b) “Page 14 2<sup>nd</sup> Para – Reference 144 is a typo; -- 14 --”
- c) “Figure 1b Element 17 – Re-label as current label is confusing.”
- d) “Page 27 2<sup>nd</sup> para – Memory referenced as element 22; - - 27 - -”
- e) “Figure 3 – Element 410 & 412 not referenced in disclosure.”

In response objection (a), Figures 1a and 1b have been amended to add reference number “11” to identify the confocal point, and page 13 of the specification has been similarly updated. In response objection (b), the second full paragraph on page 14 of the specification has been amended to correct the typographical error. In response objection (c), element 17 has been relabeled as requested. In response objection (d), the second full paragraph on page 27 of the specification has been amended to correct the typographical error. In response objection (e), figure 3 has been amended to eliminate the reference numbers not utilized in the Specification.

No new subject matter is presented.

Accordingly, the Specification as well as the pending claims, i.e. Claims 1-30, are believed to be in condition for allowance, and issuance of a notice of allowance is respectfully requested. If the Examiner has any questions regarding this communication, the Examiner is requested to contact the undersigned at the number given below.

Respectfully Submitted,



John F. Gallagher III

Reg. No.: 47,234

Attorneys for Applicant(s)

**THE FARRELL LAW FIRM P.C.**  
333 Earl Ovington Boulevard, Suite 701  
Uniondale, New York 11553  
TEL: 516-228-3565

Enclosures: Submission of Replacement Formal Drawing Sheets, with Figs. 1a, 1b and 2; and  
Rule 131 Declaration